

****AMENDED 7/17/06**

**United States District Court
for the
Northern District of New York
Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Yasmeen Fagan Case Number: 5:02CR00145-001
Name of Sentencing Judicial Officer: Honorable Frederick J. Scullin, Jr., Senior U.S. District Judge
Date of Original Sentence: June 19, 2003
Original Offense: Possession of a Firearm by a Prohibited Person, 21 U.S.C. § 922(g)(1)
Original Sentence: 46 Months Imprisonment, 2 Years Supervised Release
Type of Supervision: Supervised Release Date Supervision Commenced: March 22, 2005
Asst. U.S. Attorney: Richard R. Southwick Defense Attorney: David Secular

PETITIONING THE COURT

☒ To issue a warrant- Warrant issued on December 23, 2005 to serve as a detainer

☐ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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- | | |
|----|--|
| 1. | <u>Modified Condition Approved on October 4, 2005: The defendant shall serve 4 months in home detention, commencing on a date and under conditions to be set by the probation officer. If you are placed in the electronic monitoring program, you shall pay all costs associated with the program according to your ability to pay as determined by the probation officer.</u> The defendant tested positive for cocaine on July 15, 2005. To address this violation, the U.S. Probation Office recommended and Fagan agreed to serve 4 months in home detention as a sanction for the illicit drug use. The U.S. Probation Office has attempted to initiate the home detention, but Fagan has not cooperated. Recently, the defendant stated he is unable to follow through with his home confinement condition and is requesting the Court impose a different sanction for his illicit drug use. This information is based on the personal knowledge of the probation officer.
(Grade C Violation) |
| 2. | <u>Standard Condition #7: You shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, except as prescribed by a physician.</u> On December 11, 2005, Fagan failed to report for a weekend drug test. This information is based on the personal knowledge of the probation officer. (Grade C Violation) |
| 3. | <u>Standard Condition #6: You shall notify the probation officer ten days prior to any change of residence or employment.</u> On November 29, 2005, Fagan admitted in open Court that he was laid off from his employment. Fagan failed to advise the probation office of the change in his employment status. This information is based on the personal knowledge of the probation officer.
(Grade C Violation) |

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4. Standard Condition #7: You shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, except as prescribed by a physician. On December 12, 2005, Fagan submitted to urinalysis which was positive for cocaine. Fagan initially denied any drug use, so the probation office had to wait for laboratory confirmation which was received on December 19, 2005. On December 19, 2005, Fagan admitted he used cocaine. Fagan also tested positive for cocaine on July 15, 2005. This information is based on laboratory results confirming the test result and a verbal admission made by the defendant to the probation office. (Grade C Violation)

- **5.** AMENDED: General Condition #1: While on supervised release, you shall not commit another Federal, state, or local crime. On December 22, 2005, Fagan was arrested by the Onondaga County Sheriff's Department and charged with two counts of Criminal Sale of a Controlled Substance, 3rd Degree, a Class B Felony. As the Criminal Complaint indicates, on two separate occasions, an individual purchased from Fagan a plastic sandwich bag containing a beige chunky substance. The substance tested positive for cocaine.

On June 12, 2006, Fagan was convicted in Onondaga County Court of Criminal Sale of a Controlled Substance, 3rd Degree, a Class B Felony. He was sentenced to 3 years imprisonment with 3 years supervision, and the forfeit of \$919.00. This information is based on an arrest report obtained from the Onondaga County Sheriff's Department and a Certificate of Disposition obtained from Onondaga County Court. (Grade A Violation)

U.S. Probation Officer Recommendation:

The term of supervision should be:

- ☒ Revoked
☐ Extended for year(s), for a total term of years.

Respectfully submitted,

PAUL W. DeFELICE
Chief U.S. Probation Officer

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: July 17, 2006

Approved by:

LORI ALBRIGHT
Supervising U.S. Probation Officer

by:

GENEVIÈVE V. DeBLOIS
U.S. Probation Officer

THE COURT ORDERS

☐ No Action

☐ The Issuance of a Summons

☒ Other *Warrant previously issued*

☐ **The Issuance of a Warrant. This petition and all documents attached hereto are SEALED until such time as the warrant generated by this petition is returned executed.**

***Currently in custody at Fishkill Correctional Facility, Beacon, New York.**

The District Court Clerk's Office is hereby **ORDERED NOT** to serve a copy of this petition or any of the attached documents upon anyone EXCEPT that a copy is to be served upon law enforcement personnel. Copies shall be served upon the unsealing of the petition.



Signature of Judicial Officer

7/27/06

Date